



29th IFATCA ASIA/PACIFIC REGIONAL MEETING

Just Culture

– Innocent or Guilty ?

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JUST

Equitable, fair, honourable, ethically right, morally correct

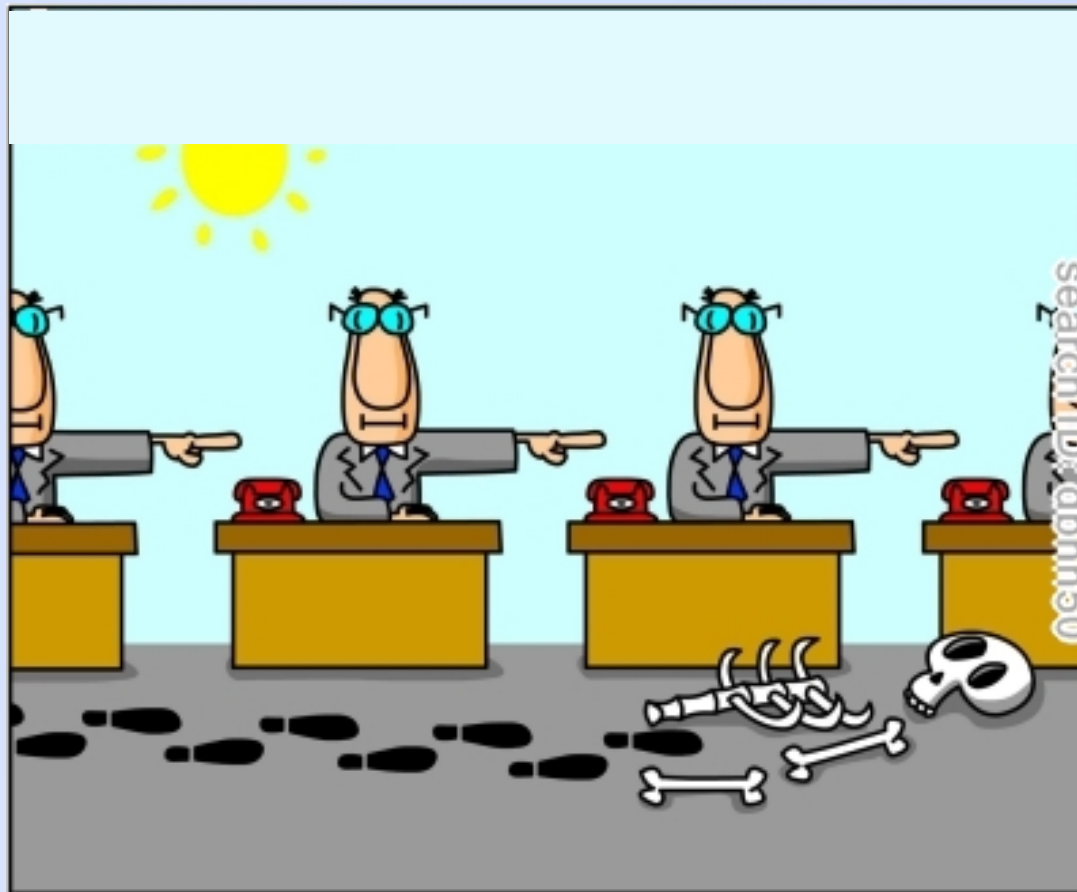
CULTURE

Our culture determines what we regard as important, what we see as normal and acceptable, and acts as a multiplier on all safety elements



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Just Culture or Blame Culture ?





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Just Culture (1)

‘An atmosphere of trust in which people are encouraged to provide essential safety-related information, but in which there is also a clear line drawn between acceptable and unacceptable behaviour .’

*Professor James Reason, Director of Psychology
Manchester University*



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Just Culture (2)

**‘Lines do not really exist, we construct them.
What matters is who gets to draw the line.
If we leave it to chance or the legislators, then
a Just Culture may be very difficult to achieve.’**

*Dr. Sydney Dekker Lecturer Swedish Centre for
Human Factors*



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Why do we need reporting ?

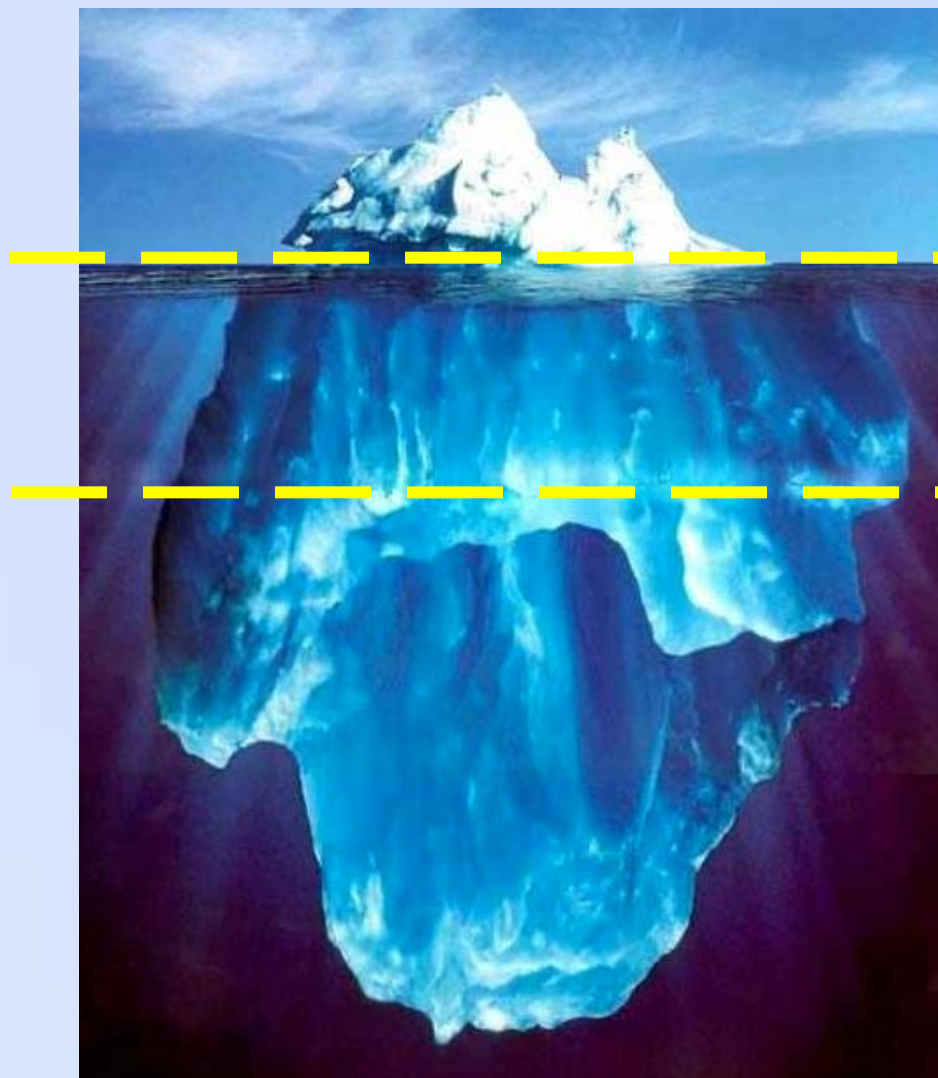
Safety Management System

The confidential reporting of events, occurrences and incidents

The collection and sharing of safety-related information for the sole purpose of accident investigation and prevention



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1 Accident

20 Major Incidents

100 Minor Occurrences



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Safety Culture is where one knows where the edge is without having to fall over it first



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Acceptable or Unacceptable ?

Honest mistakes

Omissions

Slips

Unintentional Lapses

Gross negligence

Deliberate violations



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“To address this mistake we must use root-cause analysis. I’ll begin by saying it’s not my fault.”



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‘The sole objective of an investigation of an accident or incident shall be the prevention of accidents and incidents.

It is not the purpose of this activity to apportion blame or liability.’

ICAO Annex 13 Aircraft Accident and Incident Investigation



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‘People will not report if they do not trust the system. They certainly will not report if they may be disciplined, or worse, liable to prosecution because of what they report.

Judicial aspects must be adequately addressed in ICAO guidance material on Safety Management Systems, including the protection of all persons reporting, collating or analysing safety-related information.’

IFATCA Working Paper to 11th ICAO Air Navigation Conference



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The Legal View

Throughout the world aviation is considered to be one of the safest forms of transport.

However in many States the law considers the human to be the main threat to maintaining this high level of safety and they have laws requiring the legal investigation of every accident or serious incident to determine blame.



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The Industry View

The aviation industry recognises that humans are an integral part of making the system work safely, and being human they are subject to making occasional errors.



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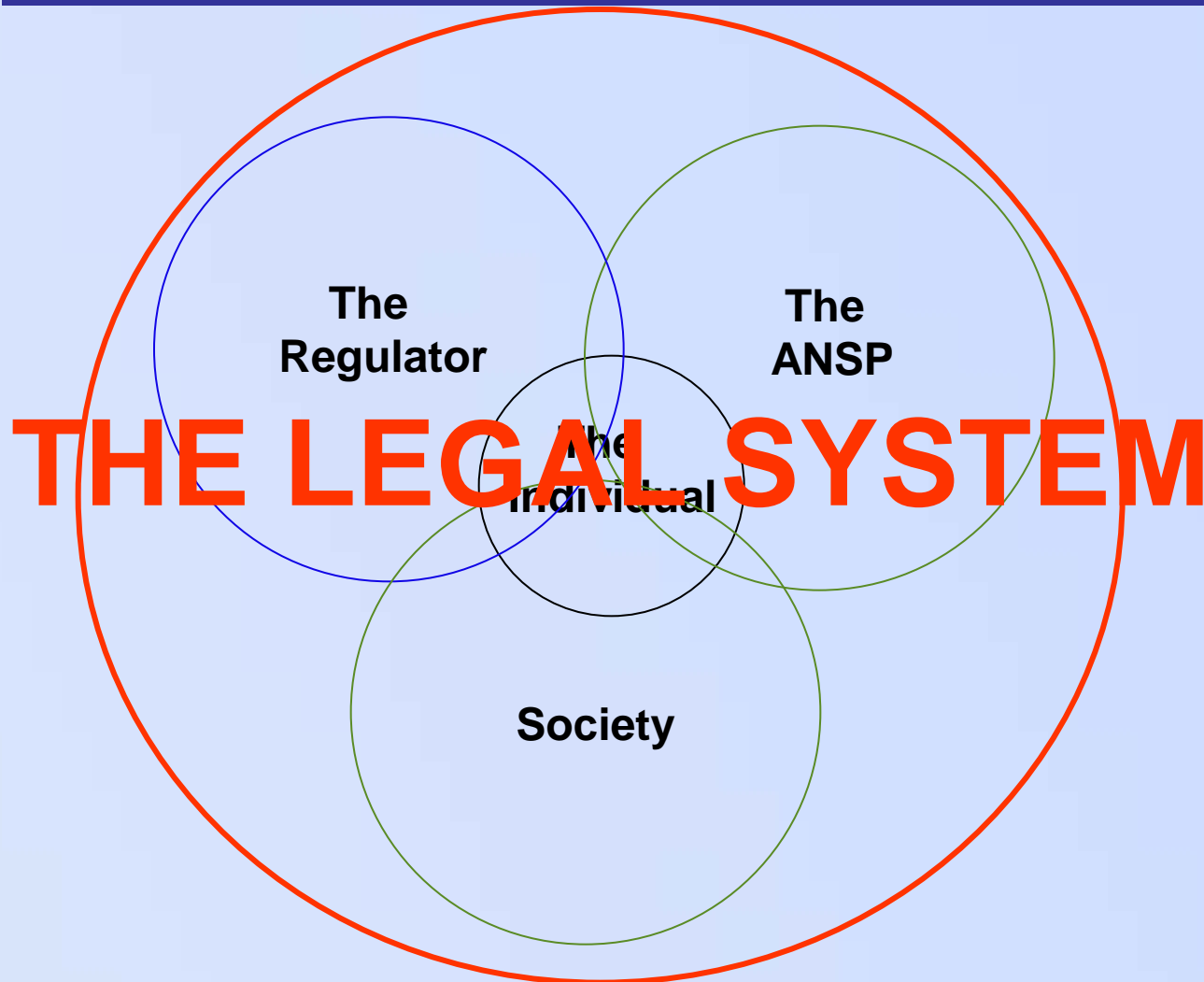
The Public View

There should be laws to protect the public interest and safety

The media immediately wants to know who is responsible



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Innocent or Guilty ?

Very few accidents and incidents are solely due to a single individual's lack of ability

The reason they are unable to safely manage an event may be because of equipment failure, a flawed procedure, a latent system problem, an error due to workload, or a combination of any

The individual always acts with the best of intentions and does not expect their actions to have unsafe outcomes



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‘Contracting States shall determine in accordance with the provisions of this Annex where air traffic services shall be provided.’

‘When it has been determined that air traffic services will be provided, the State concerned shall designate the authority responsible for providing such services.’

‘The purpose of Air Traffic Control Services is preventing collisions between aircraft . . .’

ICAO Annex 11, Air Traffic Services



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Yugoslavia - Zagreb 10 September 1976

Japan - Tokyo 31 January 2001

United Kingdom - Scotland 25 March 2001

Italy - Milan 8 October 2001

Germany - Uberlingen 1 July 2002

Italy - Cagliari 24 June 2004

Brazil - Mato Grosso 29 September 2006



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Different Legal Systems Around the World

- **Gross Negligence**
- **Wilful Misconduct**
- **Duty of Care**
- **Law of Tort**
- **Criminal Liability**



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One of the most dangerous workplaces in the world



The US Navy has an exemplary Just Culture



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If they can do it there, why cannot we do it here ?

